

**Judgment of the General Court of 16 December 2015 — Air France-KLM v Commission**(Case T-62/11) <sup>(1)</sup>

**(Competition — Agreements, decisions and concerted practices — European airfreight market — Agreements and concerted practices in respect of several elements of the pricing of airfreight services (imposition of fuel and security surcharges, refusal to pay commission on surcharges) — Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and Switzerland on Air Transport — Obligation to state reasons)**

(2016/C 048/43)

Language of the case: French

**Parties**

*Applicant:* Air France-KLM (Paris, France) (represented by: A. Wachsmann and S. Thibault-Liger, lawyers)

*Defendant:* European Commission (represented initially by C. Giolito, S. Noë and N. von Lingen, acting as Agents, and B. Lebrun, lawyer, and subsequently by C. Giolito and A. Dawes, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: F. Florindo Gijón, M. Simm and M. Balta, acting as Agents)

**Re:**

Application, principally, for annulment of Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns the applicant, or, at the very least, for annulment of Article 5(b) of that decision, in so far as it imposes a fine on the applicant, or for the reduction of that fine.

**Operative part of the judgment**

*The Court:*

1. Annuls Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns Air France-KLM;
2. Orders the European Commission to bear its own costs and to pay those of Air France-KLM;
3. Orders the Council of the European Union to bear its own costs.

---

<sup>(1)</sup> OJ C 95, 26.3.2011.